

BRIAN SUM, ) No. C 09-00523 JF (PR)  
Petitioner, )  
vs. ) ORDER OF DISMISSAL  
THE PEOPLE OF THE STATE OF )  
CALIFORNIA, )  
Respondent. )

On February 5, 2009, Petitioner, a California prisoner, filed a “notice of appeal” in which he states that he was convicted by a jury in January 2006 and that the sentence and conviction were “denied by court of appeal and review by supreme court was also denied.” (Docket No. 1.) On the same day, the Clerk of the Court sent Petitioner a notice that he had not attached a complaint or petition to his pleadings. (See Docket No. 2.) Petitioner was warned that if he failed to submit a complaint or petition within thirty days from the date of the notice, the action would be dismissed. (Id.)

From the statement in his notice and the payment of a \$5.00 filing fee, it

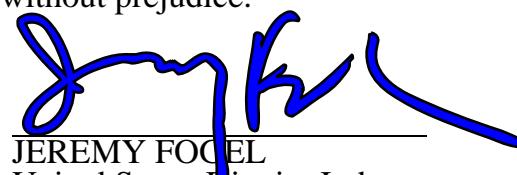
1 appears that Petitioner is seeking a petition for a writ of habeas corpus pursuant to 28  
2 U.S.C. § 2254. In the interest of justice, the Court extended the time for Petitioner  
3 to file a petition, such that Petitioner had until July 19, 2009 to proceed with this  
4 action. Petitioner was advised that failure to file a petition in accordance with the  
5 Court's order would result in dismissal of this action without further notice to  
6 Petitioner. (Id.)

7 The deadline has since passed, and Petitioner has not filed a petition.

8 Accordingly, this action is DISMISSED without prejudice.

9 IT IS SO ORDERED.

10 DATED: 7/30/09



11 JEREMY FOGEL  
12 United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SUM,

Case Number: CV09-00523 JF

Petitioner,

**CERTIFICATE OF SERVICE**

v.

PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on \_\_\_\_\_, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Brian Sum F-20945  
CSP-SATF IV  
Substance Abuse Treatment Facility  
P.O. Box 5246; C-5; Cell-132  
Corcoran, CA 93212

Dated: \_\_\_\_\_

Richard W. Wieking, Clerk